

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

ROGELIO CALDERA

Plaintiff,

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

PFIZER, INC., et al.

CASE NO. 3:06-cv-02020-CRB

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Rogelio Caldera is hereby dismissed without prejudice.

1. Plaintiff is Rogelio Caldera; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle LLC;
2. On August 23, 2005, Plaintiff sued Defendants;
3. Plaintiff moves to dismiss his claims against Defendants;
4. This case is not a class action;
5. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit;
6. Should Plaintiff or a representative of Plaintiff attempt to re-file his claims against Defendants, they shall do so only by filing said claims in Federal Court.

Respectfully submitted,

DAVIS, BETHUNE & JONES, L.L.C.

Dated: 8/29/06

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DEFENDANT'S LIAISON COUNSEL

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Nov. 28, 2006

Honorable Charles R. Breyer

United States District Court

